

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME JUNIOR WASHINGTON,

No. 4:22-CV-01858

Plaintiff,

(Chief Judge Brann)

v.

LIEUTENANT MYERS,

Defendant.

ORDER

AND NOW, this 15th day of August 2023, in accordance with the accompanying Memorandum, IT IS HEREBY ORDERED that:

1. Plaintiff's Eighth Amendment conditions-of-confinement claim against defendant Lieutenant Myers is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
2. Plaintiff's First and Fourteenth Amendment access-to-courts claim against Myers (to the extent that one is asserted) is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
3. Plaintiff's First Amendment retaliation claim against Myers is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
4. Within 21 days from the date of this Order, Plaintiff, if desired, may file a second amended complaint in accordance with the accompanying Memorandum.
5. If no second amended complaint is timely filed, dismissal of Plaintiff's First Amendment retaliation claim against Myers will convert to dismissal with prejudice, and the Court will close this case.

6. As defendant Superintendent Salamon is not named in the amended complaint, all claims against Salamon are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
7. The Clerk of Court is directed to terminate defendant Superintendent Salamon.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge